

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

ROY O'DANIEL,)
)
)
 Plaintiff,) Case No. 1:10-cv-25
)
 v.) Judge Mattice
)
)
 THE GUARDIAN LIFE INSURANCE)
 COMPANY OF AMERICA,) Magistrate Judge Carter
)
)
 Defendant.)
)

ORDER

On December 12, 2013, United States Magistrate Judge William B. Carter filed a Report and Recommendation (Doc. 45) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Carter recommended that this action be remanded to the Guardian Life Insurance Company of America (“Guardian”) “to address whether the prescription for spironolactone constituted “treatment for” liver-disease which caused hypokalemia and/or magnesemia, in light of the fact that, at or about the time the spironolactone was prescribed, plaintiff’s laboratory results appear to indicate that plaintiff’s blood levels of potassium and magnesium were, in fact, within the reference ranges.” (Doc. 45 at 3).

Plaintiff has filed no objections to the Magistrate Judge’s Report and Recommendation.¹ Nevertheless, the Court has reviewed *de novo* the record in this matter, and it agrees with the Magistrate Judge’s well-reasoned conclusions.

¹ Magistrate Judge Carter specifically advised Plaintiff that he had 14 days in which to object to the Report and Recommendation and that failure to do so would waive his right to appeal. (Doc. 45); see Fed. R. Civ. P. 72(b)(2); *see also Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings”).

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's findings of fact and conclusions of law. Plaintiff's claim is hereby **REMANDED** to Guardian for the limited purpose of further administrative decision making consistent with Judge Carter's Report and Recommendation.

SO ORDERED this 4th day of March, 2014.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE